

RECEIVED

JAN 30 2023

OFFICE OF  
WATER

Susan M. Anderson, J.D.

PO Box 6062

Custer, SD 57730

Phone: 605-201-1087

Emails: Sanderson@custercountysd.com & wolfandersoncapital@gmail.com

January 27, 2023

William and Susan Paulton  
10666 Pass Creek Road  
Edgemont, SD 57735

Travis Paulton  
10693 Pass Creek Road  
Edgemont, SD 57735

Robert J. Galbraith  
Nooney & Salay, LLP  
PO Box 8030  
Rapid City, SD 57709-8030

Jim and Charel Pitts  
25385 Gillette Canyon Road  
Newcastle, WY 82701

Tomas and Eraclio Martinez  
25663 Dewey Road  
Edgemont, SD 57735

Ron Duvall  
SD DANR Water Rights Program  
Joe Foss Building  
523 E Capitol Ave  
Pierre, SD 57501-3182

Ann F. Mines Bailey  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

Re: *In the Matter of Water Application No. 2850-02, Elk Mountain Water Users  
Association, Inc.*

To Whom It May Concern:

Enclosed please find a true and correct copy of my Notice of Limited Appearance, Disclosure of  
Expert Witness and Certificate of Service in the above-referenced matter.

Sincerely,



Susan M. Anderson  
Attorney for the  
Elk Mountain Water Users Association, Inc.

Enclosures

JAN 30 2023

**OFFICE OF  
WATER**

PLEASE TAKE NOTICE that Susan M. Anderson, hereby makes a notice of limited appearance as attorney for the Elk Mountain Water Users Association, Inc., a South Dakota Nonprofit Corporation, in the above-entitled action, for the purpose of filing the Elk Mountain Water Users Association, Inc. Disclosure of Expert Witness and requests that copies of all further pleadings affidavits, motion, or other documents in the above-entitled action be served upon her.

Respectfully submitted this 27<sup>th</sup> day of January 2023.

By

Susan M. Anderson J.D.  
420 Mt. Rushmore Road  
P.O. Box 6062  
Custer SD 57730  
Telephone: 605-201-1087  
[Sanderson@custercountysd.com](mailto:Sanderson@custercountysd.com)

*Counsel for Elk Mountain Water Users  
Association, Inc.*

RECEIVED

JAN 30 2023

OFFICE OF  
WATER

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES  
WATER MANAGEMENT BOARD

---

IN THE MATTER OF WATER	)	ELK MOUNTAIN WATER USERS
APPLICATION NO. 2850-2,	)	ASSOCIATION, INC.'S.
Elk Mountain Water Users Association, Inc. )		DISCLOSURE OF EXPERT WITNESS

---

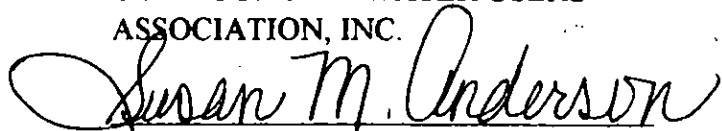
Pursuant to the Procedural and Scheduling Order dated December 9, 2022, Elk Mountain Water Users Association, Inc., a South Dakota nonprofit corporation, hereby provides the name of its expert witness:

Daniel D. Nebelsick, PE  
Water/Wastewater Department Head, Project Manager  
DGR Engineering  
1300 S Highline Ave  
Sioux Falls, SD 57110

A summary of Mr. Nebelsick's expert witness testimony as well as his curricula vitae are attached hereto.

Dated this 27<sup>th</sup> day of January, 2023.

ELK MOUNTAIN WATER USERS  
ASSOCIATION, INC.



Susan M. Anderson J.D.  
420 Mt. Rushmore Road  
P.O. Box 6062  
Custer SD 57730  
Telephone: 605-201-1087  
[Sanderson@custercountysd.com](mailto:Sanderson@custercountysd.com)

*Counsel for Elk Mountain Water Users  
Association, Inc.*

**Summary of Daniel Nebelsick's Expert Witness Testimony  
In the Matter of Water Application No. 2850-2,  
Elk Mountain Water Users Association, Inc.**

Daniel Nebelsick will serve as an Expert Witness for the Contested Case for the water permit application on behalf of Elk Mountain Water Users Association, Inc. Mr. Nebelsick plans to provide expert testimony on the following topics relating to this matter:

- The proposed well is a beneficial use to the general public.
  - Water Use Projections for Elk Mountain Water Users Association based on estimated number of users to be served in the service area and estimated fire and commercial demands
  - Estimated Peak flow from well for fire protection.
    - Review of public Madison Aquifer data used for well design
    - Review of well logs referenced for well design
    - Estimated specific capacity used to develop max withdrawal rate
- There is a reasonable probability that unappropriated water is available for the proposed use.
  - Comparison of requested annual withdrawal to public data citing water recharge and existing appropriations within the statewide Madison Aquifer Hydrologic Budget and the specific subarea of the Madison Aquifer where this well is located
  - Review of well logs and well development records referenced for well design
  - Review of public Madison Aquifer data used for well design
- The proposed diversion will not unlawfully impair existing rights.
  - Compare Madison static water level, from well logs and public Madison Aquifer data, to the elevation of ground surface and elevation of surface springs
  - Calculations estimating potential well interference
- The use is in the public interest.
  - Review distance to public water systems
  - Provide estimate of cost for construction of Madison Well to establish that individual well construction is cost prohibitive
  - Additional water source in this area is beneficial to the health and welfare of the general public and of interest to the public, specifically as it relates to fire protection and redundant water source

A copy of Mr. Nebelsick's curriculum vitae is attached. Additional information can be provided upon request.



## Daniel D. Nebelsick, PE

Water/Wastewater Department Head, Project Manager  
DGR Engineering

### Experience:

18 Years

### Academics:

MS: Civil/Environmental  
Engineering | SD School of  
Mines & Tech | 2004

BS: Civil/Environmental  
Engineering | SD School of  
Mines & Tech | 2002

### Registrations:

Professional Engineer - Civil  
South Dakota, Iowa, Minnesota

### Memberships:

NSPE - National Society of  
Professional Engineers

SDES - South Dakota Engineering  
Society

Daniel attended South Dakota School of Mines & Technology (SDSM&T) where he graduated with a Bachelor of Science in Civil Engineering with Highest Honors. His coursework focused on water resources and included classes in geology and ground water with a specific focus on the geology and groundwater of the Black Hills. Daniel continued his education at SDSM&T and earned a Master of Science in Civil Engineering. He completed a thesis on his graduate research project, which studied the rainfall / runoff response in watersheds of varying burn severity following the Battle Creek Fire near Rockerville, SD.

Daniel joined DGR Engineering in 2004. He initially served as a project design engineer and soon became a project and client manager. Daniel's career has focused on drinking water source development, treatment, distribution, and storage. He is experienced in project management and in providing operational support to municipal and rural water utilities. He has worked on a variety of projects that include water exploration and ground water development, water treatment, pumping systems, pipeline design and a variety of water storage construction and rehabilitation projects. His services included preparation of preliminary engineering reports, conducting public hearings, preparation of funding applications, preparation of plans and specifications, preparation of bidding and contract documents, and project administration and observation.

In 2013, Daniel was promoted to Department head of the Water/Wastewater Department, and currently serves as a Vice President and sits on the Board of Directors for DGR Engineering. Early on, he led his department through a time of significant staff turnover due to retirement. Over the past 10 years, he has worked to grow the department to a group of 35 water and wastewater professionals who all specialize exclusively in water and wastewater projects.

In recent years, Daniel's responsibilities have focused on project development, master planning and rate analysis. His focus has been on helping his clients plan for the future in a fiscally responsible way. He also devotes time to mentorship of younger staff and serves a quality assurance / quality control review role for many of the department's projects.

Daniel is also active in his church, his children's activities and has volunteered his expertise to develop water and wastewater projects for ministries in Haiti, Kenya, Ethiopia, Togo and throughout the Middle East. In 2019/2020, Daniel took a sabbatical from DGR Engineering and moved overseas with his family to volunteer with Engineering Ministries International in the Middle East / North Africa region. Daniel led project teams to perform master planning for infrastructure improvement projects for hospitals, schools and refugee centers.

## Presentations:

### **"Project Development in the Middle East"**

South Dakota Rural Water Association  
Leadership Conference  
Pierre, South Dakota

### **"I Have Low Pressure"**

South Dakota Rural Water Association  
West River Expo  
Rapid City, South Dakota

### **"Understanding Rural Water Hydraulic Modeling"**

Iowa Department of Natural Resources  
Des Moines, Iowa

### **"Improved Rural Water Main Disinfection"**

Iowa Rural Water Association  
Annual Manager's Meeting  
Centerville, Iowa

## Relevant Experience:

- **Alkali Road Expansion | Bear Butte Valley Water | Sturgis SD**  
Rural Water expansion including 23 miles of rural distribution, new Madison Aquifer well, Ground Storage Reservoir & pump station. Included an application for modification of the system's water appropriation permit through DANR.
- **Fairburn Water Source Development | Fall River Water Users Dist. | Oral, SD**  
Test Pumping and completion of a flowing Madison Aquifer well, water treatment, pumping, storage reservoirs and approximately 20 miles of rural transmission pipeline. Reviewed compliance to develop the well in accordance with the requirements of the District's DANR water appropriation permit.
- **SW Raw Water Main | City of Orange City, IA**  
9 miles of 16" raw water main, and a new Dakota Sandstone Aquifer well. Included water exploration effort to evaluate aquifer characteristics including water quality that varied significantly in the aquifer.
- **5-year Capital Improvements Plan | Bear Butte Valley Water | Sturgis, SD**  
Water demand analysis & future usage projections, system wide evaluation of infrastructure needs and conceptual planning of improvements to address system deficiencies and expand service territory.
- **South Plant Water Exploration | Osceola County Rural Water | May City, IA**  
Worked with a Hydrogeology firm to perform a surface resistivity survey of a river valley to identify areas of significant aquifer thickness. Developed a drilling program to validate resistivity data and confirm well locations.
- **Harms Wellfield Expansion | Osceola Co. Rural Water System | May City, IA**  
Construction of two new alluvial aquifer wells, including analysis of aquifer characteristics and well efficiency calculations. Work included completion of the wells with pitless units, meter buildings and raw water transmission main.
- **Well No. 15 Construction | City of Sheldon | Sheldon, IA**  
Construction of a new Dakota Sandstone well to supplement the City's diminishing shallow alluvial aquifer water supply.
- **Water Source Planning | Regional Water | Avoca, IA**  
Provide QA/QC support for the planning process to address drought impacted water sources to support the needs of existing system customers and the growing demand from new user requests & territory expansion.
- **Wajuu Water System Evaluation | Wajuu | Ethiopia**  
Evaluated a failed water system for a group of villages in rural Ethiopia. Worked with a hydrogeologist to develop master plan for distributed ground water wells in volcanic aquifer. The project was completed with a sustainable approach that incorporated regional drilling methods and locally available hand pumps.

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES  
WATER MANAGEMENT BOARD

---

IN THE MATTER OF WATER	)	
APPLICATION NO. 2850-2,	)	CERTIFICATE OF SERVICE
Elk Mountain Water Users Association, Inc. )		

---

The undersigned hereby certifies that true and correct copies of the Notice of Limited Appearance and Disclosure of Expert Witness, in the above matter, were served by U.S. mail, first-class, postage prepaid, upon the following on this 27<sup>th</sup> day of January 2023:

William and Susan Paulton  
10666 Pass Creek Road  
Edgemont, SD 57735

Travis Paulton  
10693 Pass Creek Road  
Edgemont, SD 57735

Robert J. Galbraith  
Nooney & Salay, LLP  
PO Box 8030  
Rapid City, SD 57709-8030  
*Counsel for Daniel Stearns & Dalton Stearns*

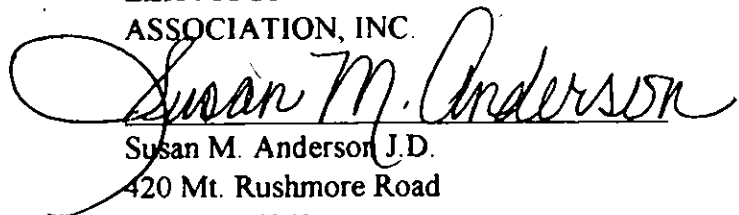
Jim and Charel Pitts  
25385 Gillette Canyon Road  
Newcastle, WY 82701

Tomas and Eraclio Martinez  
25663 Dewey Road  
Edgemont, SD 57735

Ron Duvall  
SD DANR Water Rights Program  
Joe Foss Building  
523 E Capitol Ave  
Pierre, SD 57501-3182

Ann F. Mines Bailey  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

ELK MOUNTAIN WATER USERS  
ASSOCIATION, INC.

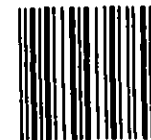


Susan M. Anderson J.D.  
420 Mt. Rushmore Road  
P.O. Box 6062  
Custer SD 57730  
Telephone: 605-201-1087  
[Sanderson@custercountysd.com](mailto:Sanderson@custercountysd.com)  
*Counsel for Elk Mountain Water Users  
Association, Inc.*

S. Ander  
PO Box  
Custer SD 57730



RDC 99



57501

U.S. POSTAGE PAID  
FCM LG ENV  
SPEARFISH, SD  
57783  
JAN 27, 23  
AMOUNT

**\$1.50**

R2303\$103163-20

RECEIVED

JAN 30 2023

OFFICE OF  
WATER

Ron Duvall  
SD DANR Water Rights Program  
Joe Foss Building  
523 E Capitol Ave  
Pierre SD 57501-3182